



FAQ Number: 1557

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Question: What should I do if I think my facility was incorrectly determined to be high-risk or received an incorrect preliminary risk-based tier determination?

Answer:

The CFATS rules (6 CFR Part 27) provide several ways for a facility initially determined to be high-risk to question that determination or its preliminary risk-based tiering assignment. Section 27.120(c) allows any high-risk facility to request a consultation or seek technical assistance from the DHS CFATS Coordinating Official on any relevant matter under CFATS.

Similarly, Sec. 27.120(d) allows a high-risk facility that has modified the facility, its processes or quantities of materials it possesses, and that believes those modifications could affect its obligations under CFATS, to request a consultation under Sec. 27.120(c). Consultations or technical discussions under Sec. 27.120 can be relatively informal, but should be requested in writing by letter addressed to: Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

In addition, under Sec. 27.205(b) of the CFATS rules, a high-risk facility that has materially altered its operations may file a Request for Redetermination with the Assistant Secretary for Infrastructure Protection (ASIP) and may request a meeting regarding that request. Sec. 27.205(b) requires the Assistant Secretary to notify the facility of the results of the Redetermination request within 45 days of the request or within 45 days of the meeting. Three methods are available for a high-risk facility to submit a Request for Redetermination.

(1) A request may be submitted in writing to: Mr. Todd M. Keil, Assistant Secretary for Infrastructure Protection, c/o Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

(2) Requests may be emailed to: CSAT Help Desk at csat@dhs.gov ATTN: Request for Redetermination Facility ID (XXXX).

(3) Requests may be faxed to 866-731-2728: Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

It will assist DHS in processing requests for consultation with the Coordinating Official and Requests for Redetermination by the ASIP if such requests include the facility ID number assigned to the facility by the Chemical Security Assessment Tool (CSAT). Such requests, especially Requests for Redetermination, should also include any relevant factual information or supporting documentation that you believe would explain or support the request. If any Chemical-terrorism Vulnerability Information (CVI), such as a change to the chemicals of interest (COIs) possessed by your facility, is included with your request, please ensure that the request is marked, packaged and sent in accordance with the CFATS regulations for protection of CVI (see 6 CFR § 27.400). A copy of the CFATS regulation, including the CVI requirements at 6 CFR § 27.400, is available at www.dhs.gov/chemicalsecurity.

Please note that requests for consultation or technical assistance under Sec. 27.120(c) or (d) and Requests for Redetermination under Sec. 27.205(b) do not stay or extend any deadlines under the rules (e.g., Security Vulnerability Assessment (SVA) deadline) applicable to your facility. If you wish to request an extension of any applicable deadline, you should submit such a request in writing, with any supporting explanation or justification, to: Mr. Todd M. Keil,

Assistant Secretary for Infrastructure Protection, c/o Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

If you have any questions about your SVA deadline or other CFATS issues, please contact the DHS CSAT helpdesk at 866-323-2957.